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COMMITTEE ON THE RIGHTS OF THE CHILD

Twelfth session

SUMMARY RECORD OF THE 301st MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 29 May 1996, at 3 p.m.

Chairperson: Mrs. SARDENBERG

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Nepal (CRC/C/3/Add.34; HRI/CORE/1/Add.2; CRC/C.12/WP.3)

1. At the invitation of the Chairperson, Mr. Shakya, Mr. Lacoul, Ms. Bhattarai, Mr. Shrestha, Mr. Kattel and Mr. Sharma (Nepal) and Ms. Tuladhar (Child Awareness Group) took places at the Committee table.

2. Mr. SHAKYA (Nepal) said that his delegation appreciated the Committee's invitation extended to participate in the discussion of his country's initial report. Nepal's commitment to international human rights instruments had improved significantly after the restoration of the multiparty system in 1990. The change in his country's political system had been accompanied by many challenges as well as opportunities for consolidating democracy and institutionalizing human rights, and at the outset his country had lacked the necessary technical and material resources.

3. The active cooperation of UNICEF and the extreme concerns expressed by various non-governmental human rights and children's rights organizations had made a significant impact throughout the report preparation process. His Government welcomed that kind of formal and active partnership with several independent NGOs, which had set an example regarding the role and responsibility of NGOs in monitoring international human rights instruments. Mention should also be made of the significant involvement of the Bal Chetana Samuha (Child Awareness Group), a coalition of children, for children and by children for the implementation of the Convention. Representation of children had been fully recognized during the drafting of the report and the Government had been greatly encouraged with regard to the future monitoring of the implementation of the Convention.

4. His Government recognized that children were the most vulnerable section of society and that as such they required special protection and care. It had undertaken all possible measures for the effective implementation of the Convention by systematically addressing problems. The progress achieved in implementing the Convention during the past six years through legal and administrative measures had been significant. However, Nepal had been encountering a number of difficulties in mobilizing and allocating adequate resources to ensure fully the economic and social rights of children. While children's issues were included as priorities in his country's planning and budgetary arrangements, Nepal was one of the poorest countries in the world and was facing serious economic difficulties. Despite those obstacles, his Government's commitment to mobilizing the necessary resources for the effective realization of the rights of the child was a top priority.

5. The visit to Nepal by some members of the Committee in September 1995 had helped the Committee and Nepal to understand each other's concerns and commitments at first hand. His delegation would do everything possible to ensure that the concerns expressed by the Committee were taken into account in Government policies, programmes and activities at all levels.

6. On ratifying the Convention in 1990, Nepal had taken many appropriate legislative, administrative and other measures. In May 1992, the Children's Act had been enacted to protect and safeguard the rights and interests of children. Despite social, cultural, religious, political and financial constraints, as well as geographical and literacy problems, Nepal was moving steadily towards achieving the goals of the Convention.

7. The CHAIRPERSON invited members of the Committee to take up the section of the list of issues (CRC/C.12/WP.3) dealing with general measures of implementation.

8. Mrs. KARP said that she was aware of the fact that the District Children's Welfare Board was still in the process of being set up. She would like to know what problems were connected with the process of establishing the Board, which she assumed was the main tool for implementation and monitoring.

9. Although NGOs seemed to participate actively in projects, the Government appeared to have no policy concerning ways of working with them and integrating them in the overall programme. She would welcome information on the overall structure for implementing and monitoring children's rights. She would also like to know what were the Government's top priorities regarding policy implementation and technical assistance, should such assistance be considered necessary.

10. Mrs. BADRAN said there appeared to be a number of mechanisms for implementing and monitoring the Convention, notably the various Child Welfare Boards and the National Council for Women and Child Development. She asked what the arrangements were for coordinating their work, and which organization bore ultimate responsibility for overseeing the implementation of the Convention. She also asked if the National Council had its own secretariat and, if so, how big it was and what the size of its budget was.

11. She pointed out that experience with structural adjustment programmes in other countries had shown that they too often involved budget cuts to social services and tended to widen the gap between rich and poor, all of which had repercussions on the lives of children. She wished to know if Nepal had any arrangements in mind to soften the negative effects of such programmes on children.

12. Mrs. SANTOS PAIS said that the 1990 Constitution showed a strong general commitment to the rights of the child, but the Children's Act was not detailed enough on subjects such as the abuse, sexual exploitation, sale or trafficking of children. She asked what mechanisms and penalties were available when children's rights were not respected and how the Convention could be widely disseminated so that everyone understood exactly the nature of the rights of the child.

13. She agreed with her colleagues that coordination and monitoring were very important; data were needed for shaping policies and allocating resources, especially in a country where over half of the population was under 16 years old and so many children lived in poverty, some of them in remote, barely accessible areas. It was encouraging to learn that mechanisms such as the

Child Welfare Boards and the National Council were in place, but she questioned whether they were sufficiently effective to coordinate the activities of the various actors.

14. She asked if the annual reports of the District Child Welfare Boards due in April had been received, and noted that the Central Child Welfare Board also had to prepare an annual report. She asked if those Boards were proving effective as tools for policy-making, implementation and monitoring.

15. Mrs. KARP asked the delegation to explain the relationship between the two new ministries mentioned earlier, and to explain the rationale behind having various ministries responsible for different aspects of children's rights, rather than a single ministry responsible for them all.

16. Mrs. EUFEMIO asked what the Government was doing to develop indicators on participation, care in the family or alternative care, the situation of refugees and children in conflict with the law.

17. She noted that the Government had allocated a small amount of money to each village to improve standards of health and satisfy the basic needs of people in rural areas, and asked whether that action affected the budgets of other programmes, such as the programme to promote the rights of the child. There was a danger that all of the little money available would be spent on basic needs, ignoring, for example, children in especially difficult circumstances. She also wondered whether the Government offered guidelines on how to allocate those funds or whether that was left to the village committees.

18. Miss MASON asked the delegation to clarify the different roles of the National Child Development Council and the National Council for Women and Child Development.

19. She welcomed the steps Nepal had taken to encourage child participation, including eliciting the help of children in writing the report. However, she wondered why there was no reference to children being represented on the committees referred to in the report, and asked if the Government had any plans for their future participation, perhaps seeking the participation of the more articulate urban children to begin with.

20. She asked if the delegation could point to any successes since the enactment of the Children's Act in 1992, to show whether it had helped to improve the lives of children. She would welcome details of any projects undertaken to date by the National Council for Women and Child Development. She also asked whether any particular articles of the Convention had proved problematic during the general discussion on the Convention in Nepal.

21. Mrs. EUFEMIO asked whether the approach illustrated in annex II of the report, which showed the goals for children and development, could not be extended to include other rights of the child, such as participatory rights. There was a need for indicators to be linked to the Plan, since otherwise there would be no way of knowing how successful it had been.

The meeting was suspended at 4.10 p.m. and resumed at 4.30 p.m.

22. The CHAIRPERSON asked what had been the impact of the four rapid changes of Government on the coordination mechanisms dealing with the rights of the child.

23. Mr. SHAKYA (Nepal) explained that Nepal had been able to incorporate many of the provisions of the Convention in its Constitution, as both instruments had been drafted at the same time. By the time of the 1990 World Summit for Children, an interim Government was in place in which all parties were represented, including some that had been suppressed for 30 years under the former political system, and which, being naturally keen to assert all kinds of human rights, had ratified many international human rights instruments without reservation. The Children's Act had been promulgated with the cooperation of all political parties, and the Central Child Welfare Board had been set up to be the main mechanism for the implementation and monitoring of the Act. A District Child Welfare Board had been set up for each of Nepal's 75 administrative districts, and each Board was further divided into village development committees. The Central Child Welfare Board was headed by the Minister for Women and Social Welfare and, like the District Boards, included representatives of the Government and development agencies, together with professionals involved with children, such as teachers, doctors, psychiatrists and social workers.

24. The Government attached great importance to the collection of data, and that was an important function of the District Child Welfare Boards, although the procedure was not perfect and sometimes Government figures differed from those supplied by non-governmental organizations. The District Boards collected data on different groups of children, such as street children or children in especially difficult circumstances. The problem of street children was limited to the few urban areas in Nepal; the problem facing children in rural areas was poverty.

25. The Children's Act provided for the establishment of various institutions to take care of children, such as orphans or disabled children, but that provision had not yet been acted upon as the Government was still in the process of collecting and collating data. The delay was also in part due to the political upheaval mentioned by the Chairperson. In the face of shifting political coalitions, it was difficult to formulate a common policy and the process was interrupted each time parliament was dissolved and a new election held.

26. Non-governmental organizations played an important and positive role in Nepal, and were a step ahead of the Government in some areas, such as in raising awareness of the rights of the child. The relations between the non-governmental organizations and the Government were good, with responsibility for cooperation and coordination between them lying with a statutory body called the Social Welfare Council. He admitted that the Government did tend to rely too much on non-governmental organizations in questions of children's rights.

27. With regard to technical assistance, although the actual amounts needed were difficult to estimate, it was safe to say that, with 49 per cent of the population of Nepal living below the poverty line, assistance was sorely needed in every area.

28. The ministries directly involved in the promotion of the rights of children, were the Ministry of Environment and Population, the Ministry of Youth and Sports and the Ministry for Women and Social Welfare. Coordination of the work of government ministries had been the main reason for establishing the National Council for Women and Child Development and the National Planning Commission.

29. With regard to the relationship between ministries and the Central Child Welfare Board, he said that the Chairman of the Board was the Minister for Women and Social Welfare, who was also a member of the National Council for Women and Child Development. The Council prepared policy guidelines which were then passed on to the Central Child Welfare Board. The Board established its plan of action accordingly. Almost all ministries were represented on the National Council for Women and Child Development, which was chaired by the Prime Minister, together with NGOs, which were also members of the Central Child Welfare Board and provided valuable assistance in formulating policies on children.

30. In respect of the question on child abuse and neglect, Nepal had a host of legislative instruments designed to protect the rights of the child in all walks of life, including the Children's Act and the Labour Act. A young persons' employment act was being drawn up and there were plans to ratify the International Labour Organization's Minimum Age Convention, 1973 (No. 138). Other forms of child abuse, including through the trafficking in children, were subject to harsh penalties ranging from fines to imprisonment. Trafficking was a major problem in Nepal for geographical reasons, particularly the border with India, which Nepalese and Indian people could cross freely. A bilateral agreement with India was essential.

31. The right of children to go to court was guaranteed by the Children's Act which provided that any person or organization had the right to petition a court on a child's behalf if necessary. Court proceedings were held in camera in the presence only of persons authorized by the court. The child had the right to a lawyer, to be paid for by the State if the child or the family could not afford to pay themselves.

32. With regard to the dissemination of the Convention, Nepal was in a fortunate position in that the vast majority of the population spoke or understood Nepalese. The problem lay in the fact that illiteracy was widespread. Radio was therefore the most effective way of providing information on the Convention and children's rights. Seminars were often held for people such as teachers, lawyers and journalists as a way of sending information on children's issues and the Convention back to local communities.

33. With regard to implementation and enforcement of the Children's Act, as mentioned in the report (CRC/C/3/Add.34), there was a host of laws supplementing the Act and providing for sanctions ranging from fines to lengthy prison sentences for violations of children's rights in all spheres. The Convention had therefore not been invoked before the courts as such, since the Children's Act covered much the same areas.

34. With regard to the participation of children and freedom to express their views, Nepal had set up the Child Awareness Group, members of which had helped to compile Nepal's initial report to the Committee. Admittedly, however, the participation of children was lower on the Government's list of priorities, since it was still having to concentrate on how to ensure the survival, protection and development of the child.

35. Ms. TULADHAR (Child Awareness Group) said that children in cities were involved in campaigns aimed at raising the awareness of rural children through what were known as "mobile groups". Seminars on children's issues were held at which children from different sectors could meet and discuss ways of helping themselves and other children. Networks had also been set up within Nepal, although they and the Child Awareness Group itself were still in their infancy.

36. Mr. SHAKYA (Nepal) said that the Group published its own papers, which were entirely their own work.

37. Turning to the question on children's homes, he said that the Nepal Children's Organization ran such homes, known as Bal Mandirs, throughout the country.

38. Since the enactment of the Children's Act, efforts had been made to raise family awareness of children's rights and issues and to encourage parents to take account of children's views and opinions. However, when it came to concrete projects, it had to be admitted that Nepal had been traditionally and historically handicapped by its political situation, widespread illiteracy and poor communications, among other factors. The change of Government and constitution six years earlier had also slowed down the country's development programme because the process had had to be thought through from first principles.

39. With regard to the articles of the Convention that presented Nepal with the greatest problems, he said that his country faced a dilemma about the question of refugees. There had been an influx of Tibetan refugees in 1961, but it had been possible to assimilate them. Although the Government was considering accession to the Convention relating to the Status of Refugees, it was fearful that if some crisis occurred in India, for example, Nepal could be swamped. The country currently had a large number of refugees from Bhutan, whose conditions were good, with no incidence of prostitution or drug-taking. Nepal in any case fulfilled virtually all the requirements of the Convention relating to the Status of Refugees and therefore wondered whether it was worth taking on the formal commitment of accession.

40. As for Mrs. Eufemio's question about indicators, Nepal had, with the financial assistance of several international non-governmental organizations, adopted a recognized management information system under which information was collected, analysed and used at both national and district level to serve as a basis for a child development programme. Ten issues were covered by that survey, which would last until 2001. The first study, on child health and nutrition, was complete and three others were near completion. The United Nations Children's Fund was also carrying out studies on child labour,

disability, prostitution and child trafficking. The Ministry of Labour conducted seminars and training programmes on child labour, aimed at lawyers, social workers and others.

41. With regard to the payment of 800,000 rupees to the Village Development Committees, he said that each committee was to receive that sum annually from 1996 onwards to enable children to develop programmes for themselves. Such programmes would not conflict with the core work done on education, nutrition, and health by the Ministry of Education and Social Welfare.

42. Mrs. KARP said the Nepalese delegation had been too modest about its unique achievements in child participation. She therefore wondered whether the Government should not, as a pioneer in the field, consider formally including children as participants in monitoring and implementing the Convention. She also asked whether Ms. Tuladhar could be considered a member of the delegation.

43. Mrs. EUFEMIO understood that Nepal had other priorities, but the question had still to be asked whether it was contemplating appropriate indicators for children's civil rights and freedoms. She particularly wanted to know about the rights provided for in relation to family and alternative care. She noted that the Eighth Plan (1992-1997) was limited to the survival, protection and development of children. It was time for the Plan to be updated to include the issue of children in difficult circumstances and focus more on children's rights in general.

44. Mrs. SANTOS PAIS congratulated the delegation on the country's simple but effective ways of raising awareness of the Convention. It might seem that the Committee was too demanding in asking about refugees, child labour or prostitution, for example, but its aim was to show how the Convention could be used as a framework for policies. The ratification of international treaties demonstrated a Government's commitment and could act as a tool against abuses. Similarly, it would be an encouraging sign if the Convention had been invoked before the courts.

45. The Committee was naturally concerned at the large numbers in Nepal living below the poverty line. It attached great importance to the way in which scarce resources were used; education and health were the most important issues, as far as children were concerned. More effective results might be achieved in allocating international aid to programmes for children if the various United Nations agencies coordinated their work. It was difficult to establish methods of monitoring, but in Nepal the battle seemed to be largely won, since the authorities were already working in cooperation with each other and with non-governmental organizations.

46. Mr. SHAKYA (Nepal) said that Ms. Tuladhar was, regrettably, not a member of the delegation; permission would have to have been received from the Cabinet for that. She could speak as an associate member. He stressed that children had been taken into consideration from the moment that Nepal had ratified the Convention. Children had even been invited to working groups and seminars on dissemination of the Convention.

The meeting rose at 6 p.m.